

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : **Chapter 7**
BRIAN KEITH HURST :
: **Debtor(s)** : **Bky. No. 09-14096ELF**

O R D E R

AND NOW, pursuant to the Court's Order dated October 14, 2009, the court having held a hearing on November 4, 2009 to consider the good faith of the Debtor and/or Debtor's counsel, Michael Kutzer ("Kutzer");

AND, based upon the representations made by Kutzer to the court and the exhibit introduced into evidence by the U.S. Trustee, the court finding that in the above-captioned bankruptcy case:

- a. Kutzer failed to review the dockets of the Debtor's previously filed cases before evaluating the propriety of filing documents converting this case from chapter 13 to chapter 7;
- b. failed to respond to the U.S. Trustee or take any other action after the U.S. Trustee alerted Kutzer that the Debtor appeared to be ineligible to receive a chapter 7 discharge;
- c. failed to review this court's Order dismissing the chapter 7 case for failure to pay the filing fee; and,
- d. in sum, failed to undertake "an inquiry reasonable under the circumstances" before filing the document converting this case to chapter 7 in order to obtain a chapter 7 discharge and thereafter, through his inattentiveness, unreasonably multiplied the proceedings in this court;

AND, in these circumstances, the court concluding that it is appropriate to impose a sanction on Kutzer pursuant to Fed. R. Bankr. P. 9011 and/or the court's inherent powers, see In

re Bailey, 321 B.R. 169 (Bankr. E.D. Pa. 2005);¹

It is therefore **ORDERED** that a hearing to determine the appropriate sanction is scheduled for **November 25, 2009 at 10:00 a.m.** in **Courtroom No. 1, U.S. Bankruptcy Court, 900 Market Street, 2nd Floor, Philadelphia, Pa 19107.**



Date: November 5, 2009

**ERIC L. FRANK
U.S. BANKRUPTCY JUDGE**

¹ In reaching this conclusion, the court is also influenced by the fact that, in the recent past, Mr. Kutzer has been subjected to sanctions in this court for inadequacies in his bankruptcy practice that have caused prejudice to his clients and burden . . . this court.” (See In re Kutzer, Misc. Nos. 08-3003) (Order dated Feb. 29, 2008) (Docket Entry No. 5); see also In re Kutzer, Misc. Nos. 08-3007, 08-3008, 08-3009 (Bankr. E.D. Pa.)).